## REMARKS

Applicants appreciate the courtesy of Examiner Sinkantarakorn for conducting a telephone interview with Applicants' representative on July 23, 2009. During the telephone interview, Applicants' representative described the Applicants' claimed invention, and distinguished the claimed invention over the cited references. Further, a proposed amendment to independent claims 1, 8, and 24 was discussed, in which the independent claims would be amended to recite that "at least one of an image format and a compression format" are changed upon retransmission. Independent claims 1, 8, and 24 have been amended herein in the manner discussed during the telephone interview.

Claims 1-21, 24, 25, 27, 29, and 30 are pending in the application. Independent claims 1, 8, and 24 have been amended by the present amendment. The amendments are fully supported by the application as originally filed (see, e.g., specification at page 40, lines 1-4; and page 42, line 8 to page 45, line 2).

As amended, independent claim 1 recites that when a communication error occurs, a transmission control section determines whether or not a number of actual retransmissions is less than a predetermined set number of times, such that "when the number of actual retransmissions is equal to or greater than the predetermined set number of times, the transmission data with at least one of an image format and a compression format different from its previous format is retransmitted to the receiving-end machine" (*see also* independent claims 8 and 24). *See, e.g.,* specification at page 40, lines 1-4; and page 42, line 8 to page 45, line 2.

In other words, according to the Applicants' claimed invention, when a communication error occurs, if a predetermined number of retransmissions has been reached or exceeded, retransmission is carried out by changing "at least one of an image format and a compression format," as recited in independent claims 1, 8, and 24.

Claims 1-5, 7-13, 29, and 30 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 6,775,705 to Maeda "and" U.S. Patent Application Publication US 2001/0040694 to Eguchi in view of U.S. Patent 5,001,571 to Murano. Claim 6 was rejected under 35 USC 103(a) as being unpatentable over Maeda in view of Eguchi, and further in view of U.S. Patent 7,000,157 to Okamoto et al. Claims 14-21, 25, 27, and 28 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent Application Publication US 2003/0020961 to Tanimoto in view of Maeda "in view of Eguchi." Claim 24 was rejected under 35 USC 103(a) as being unpatentable over "Maeda and Eguchi and Tanimoto, in view of Murano." These rejections are respectfully traversed.

Regarding the rejection of independent claims 1 and 8 over the proposed combination of Maeda and Eguchi in view of Murano, and the rejection of independent claim 24 over the proposed combination of "Maeda and Eguchi and Tanimoto, in view of Murano," these proposed combinations do not teach or suggest the above limitation of independent claims 1, 8, and 24.

On page 4, last paragraph to page 5, first paragraph of the Office Action of 05/13/2009, it was admitted that the Maeda and Eguchi references do not teach or suggest the claim limitations regarding retransmission. The Murano reference was cited allegedly to remedy the deficiencies of Maeda and Eguchi.

In Murano, a facsimile system is provided including "a method of selecting a frame size of image data in data transmission" (see column 1, lines 11-13 of Murano). As described in column 1, lines 40-60 of Murano, in a facsimile apparatus, a frame size of 256 or 64 octet is used.

According to the invention described in Murano, an appropriate frame size (64 octet, 256 octet) is automatically selected by comparing a computed distance to a predetermined value (see, e.g., column 3, lines 54-57 and column 4, lines 19-22).

Referring to column 5, lines 25-33 of Murano, as cited in the Office Action of 05/13/2009, it is described that when a frame contains an error, a new frame is retransmitted. In other words, retransmission is made on a frame-by-frame basis in Murano.

Referring to column 5, lines 59-68 of Murano, as cited in the Office Action of 05/13/2009, it is described that an appropriate frame size is selected (64 octet, 256 octet) based on transmission list data. In other words, the selection of an appropriate frame size in Murano is not made in response to a communication error, but instead the frame size for subsequent communications is made based on "transmission list data" (i.e., a transmission history).

Therefore, the Murano reference discloses setting the frame size in accordance with a communication history.

There is no teaching or suggestion in Murano that, when a communication error occurs, a number of actual retransmissions is compared to a predetermined set number of times, in order to retransmit the transmission data, and where the transmission data is retransmitted with "at least one of an image format and a compression format," as claimed.

Instead, in Murano, retransmission is made by retransmitting a new frame (see, e.g., column 5, lines 25-33) – specifically, a new frame is sent "corresponding to the frame containing an error, but the frame size is not changed. Further, in Murano, the retransmitted frame does not have a different "image format" or "compression format."

Therefore, even if Maeda and Eguchi (and/or Tanimoto) were taken in view of Murano, the proposed combinations would not teach or suggest the Applicants' claimed invention. Therefore, independent claims 1, 8, and 24 and their respective dependent claims are patentable over the proposed combinations.

It is believed that the claims are in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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